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### FINDLAW DAILY OPINION SUMMARIES U.S. 1ST CIRCUIT COURT OF APPEALS

Criminal Law & Procedure, Sentencing

#### **US v. Prange, No. 13-2262**

Conviction and sentence of co-defendants Prange and Jordan for multiple fraud-related counts based on their participation in an FBI securities fraud "sting" is affirmed as to the convictions but remanded for resentencing, where the district court procedurally erred when formulating defendants' guideline sentencing ranges.

Criminal Law & Procedure

#### **US v. Pennue, No. 13-2156**

In this case, the trial judge misread a jury instruction describing the reasonable doubt standard. Conviction and sentence of defendant is affirmed, where the error elicited no objection, and when considered in the context of the jury instructions as a whole (especially as the manuscript given to the jury contained the correct instructions regarding the reasonable doubt standard), was highly unlikely to have muddled the jury's understanding of the judge's charge.

Criminal Law & Procedure, Sentencing

#### **US v. Colon-Ledee, No. 13-1067**

In this consolidated appeal, conviction and sentence of defendants for multiple bankruptcy-related crimes designed to conceal assets from creditors is affirmed, where: 1) the evidence was sufficient to support conviction; 2) the evidence of defendant Astrid's conduct in her own bankruptcy was highly probative on the question of whether she was an informed and willing participant in defendant Edgardo's concealment endeavors, and outweighed the danger of unfair prejudice; 3) the court's middle-of-the-road valuation of Edgardo's listed property was pragmatic and fair; 4) the district court met its obligation to weigh competing sentencing considerations and did not commit procedural error; and 5) the imposition of a term of imprisonment twice as long for Edgardo as for Astrid was substantively reasonable since the primary blame could be placed on Edgardo, given that he financially gained from the concealment, and that he had earned a JD and was thus learned about the law.

Family Law, International Law

#### **Mauvais v. Herisse, No. 14-1763**

The grant of the Father's petition for the return of his two minor children to Canada pursuant to the International Child Abduction Remedies Act is affirmed, where: 1) Canada is the children's country of habitual residence; and 2) returning the children to Canada would not subject them to a grave risk of physical or psychological harm.